

February 16, 2001

Heritage Environmental Services; Delisting of Electric Arc Furnace Dust

LSA Document #00-255

Overview

This rule adds 329 IAC 3.1-6-6 to exclude from regulation under 329 IAC 3.1 electric arc furnace dust that is generated by Heritage Environmental Services, LLC and Nucor Steel Corporation, Crawfordsville, Indiana, and treated to be nonhazardous.

Citations Affected

329 IAC 3.1-6-6

Affected Persons

Heritage Environmental Services, LLC and Nucor Steel Corporation.

Reason(s) for the Rule

This rule was requested by Heritage Environmental Services in accordance with 329 IAC 3.1-5-2 and 329 IAC 3.1-5-3.

Economic Impact of the Rule

This rule will significantly reduce disposal costs for the regulated entities.

Benefits of the Rule

This rule will significantly reduce disposal costs for the regulated entities, while providing for safe disposal if regulated entities comply with all conditions for the delisting.

Description of the Rulemaking Project

This rule would exclude from regulation under 329 IAC 3.1 (delist) electric arc furnace dust, hazardous waste code K061, that is generated by Heritage Environmental Services, LLC (Heritage) and Nucor Steel, Division of Nucor, Corporation (Nucor) at Nucor's Crawfordsville, Indiana plant, and treated to be nonhazardous in accordance with the process described in the petition for delisting submitted by Heritage on May 13, 2000.

Indiana adopted rules for delisting at 329 IAC 3.1-5-2 and 329 IAC 3.1-5-3. Indiana will receive EPA authorization for hazardous waste delisting (checklist 17B) prior to final adoption of this rule.

Scheduled Hearings

First Public Hearing: March 20, 2001

Second Public Hearing: Not yet scheduled.

Consideration of Factors in IC 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal hazardous waste program at 40 CFR 260 through 40 CFR 279.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/ hearing, and the draft rule. The Solid Waste Management Board holds the first meeting/ hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.